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EXAMINER

HAMILTON, KIMBERLY Y

ART UNIT PAPER NUMBER

2635

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,350

Applicant(s)

BONNER ET AL.

Examiner

Kimberly Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-16-2001.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 10, and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "**first key, second key, third key, and fourth key**" in claims 1 and 10 (first and second key) and 20-25 (first-fourth key) is used by the claim to mean "**an alphanumeric code**", while the accepted meaning is "**a means to gain access to an enclosed area**". The terms "**first key, second key, third key, and fourth key**" are indefinite because the specification does not clearly redefine the term. Hereinafter, the terminology "**key**" will be read upon to mean "**code**".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-3, 5-12, 17-20, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Porter (US 5774053).

Regarding claims 1, 10-12 and 20, Porter, who teaches a storable device that provides security, expressively discloses a system for controlling access to a designated area (storage device 10 Figs. 1-4), the designated area having a security device to control access thereto (the security device is an electronic lock 22 to the designated area 10 that is actuated by the data entry of key of the keypad 26 col. 2, lines 25-29 and Figs. 1-2), comprising:

- a programmable unit (controller 46) to generate a first and second key (or alphanumeric pass code) for each access to the designated area (col. 5, lines 32-34)
- a programming unit (communication apparatus 16) to generate an access key using the first key (the programming unit 16 is controls access to the designated area 26 and provides notification of occurrences col. 5, lines 25-28);
- and a validation system including a control unit to generate a validation key using the second key (col. 2, lines 40-41 a code verification means to determine if the entered code was correct),
- a memory to store the validation key (col. 2, lines 32-36 the memory stores a plurality of codes),
- and a communication device to establish a data communication with the programmable tag 48 to receive the access key therefrom ( the tag can be a smart card or radio signal controlled card col. 4, lines 16-21 and col. 6, lines 27-29),
- the control unit comparing the access key (the code entered in by the user) and the validation key and causing the security device to allow access to the designated area 10 if

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the access key matches the validation key (a signal that enables one to gain access to the enclosed, designated area col. 2, lines 30-32).

Regarding claim 2, Porter discloses the system of claim 1, wherein the programmable unit 46 and the programming unit 16 are integrated in a single unit (col. 5, lines 28-30 and Fig. 5).

Regarding claim 3, Porter teaches the system of claim 1, wherein the control unit 46 is a microprocessor (col. 5, lines 31-33.).

Regarding claims 5-7, Porter discloses the system of claim 1, wherein the communication device includes a transceiver to establish a wireless data communication with a corresponding transceiver included in the programmable tag 48 (col. 6, lines 27-29).

Regarding claim 8, Porter teaches that the user must enter in a key code into the keypad 26 in order to gain access to the designated area 10 (col. 4, lines 14-16). In addition, Porter teaches proximity detection causing the communication device to initiate the wireless data communication with the programmable tag 48 upon detecting an object outside the designated area 10, in the event if the lock operator is coupled to proximity detectors, such as smart cards (passive), which are known to one of ordinary skill in the art for the passive devices to activate when within a pre-determined range in order to actuate a device, such as a tag (col. 4, lines 16-20).

Regarding claim 9, Porter teaches the system of claim 1, wherein the communication device is a programmable tag reader exposed outside the designated area to establish a wired data communication with the programmable tag (col. 4, lines 16-21 Porter teaches that the system may comprise a smart card reader or infrared sensor, which is known to one of ordinary skill in the art to be externally located).

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Regarding claims 15-16, Porter disclose the system of claim 1, wherein the control unit causes the security device further comprising the step of causing the security device 22 (lock) to terminate the access and prevent further access to the designated area 10 after a predetermined period of time, for the controller 46 may be equipped to an audio indication means for security or be programmed to send a message to law enforcement as a means to prevent unauthorized users from tampering with the designated area 10 (col. 6, lines 56-54).

Regarding claims 17-18, Porter teaches the system of claim 1, wherein the control unit 46 includes a clock to determine the time and date of the access (col. 6, lines 43-46). Porter teaches that the controller 46 has the capability of activating a unit at a pre-determined time, thus indicating a clock means. Also, Porter discloses the control unit 46 stores the time and date of the access in the memory by each user (col. 5, lines 60-64).

Regarding claim 19, Porter discloses the system of claim 17, wherein the communication device 16 transmits to and stores in the programmable tag 48 the time and date of the access. Furthermore, Porter explains that the tag 48 may be a programmable answering machine, which is known to one of ordinary skill in the art to store information, such as date and time.

Regarding claims 26-27, Porter discloses the method of claim 20, further comprising the step of causing the security device 22 (lock) to terminate the access and prevent further access to the designated area 10 after a predetermined period of time, for the controller 46 may be equipped to an audio indication means for security or be programmed to send a message to law enforcement as a means to prevent unauthorized users from tampering with the designated area 10 (col. 6, lines 56-54).

Regarding claim 28, Porter discloses the method of claim 20, further comprising the step of storing the time and date of the access via a message or digitized information (col. 5, lines 60-64), and the transmitting device 48 can be programmed to deliver a message regarding an occurrence (col. 6, lines 31-38).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 13-14 and 21-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Porter in view of Heitschel et al. (US 4988992).

Regarding claim 4, Porter teaches that the controller 46 includes conventional memory for storing a plurality of codes, but fails to express the memory as being non-volatile (col. 2, lines 32-36).

However, Heitschel, who teaches a system for establishing a code to a designated area, discloses the system as comprising the memory is a nonvolatile memory 66 (col. 3, lines 44-48). Being that non-volatile memory is beneficial for information retention in the event of a power outage, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the non-volatile memory of Heitschel into the controller of Porter, because Porter discloses the controller 46 that has memory to store multiple codes (col. 2, lines 32-36), and Heitschel teaches the non-volatile code memory 66 as a means to provide better information storage in the event of power loss (col. 4, lines 45-47).

Regarding claim 13 Porter teaches a security device 22 as being the electronic lock on an access controlled area 10, but fails to disclose the security device as being a garage door opener (col. 4, lines 10-12).

Heitschel discloses that the security device is a garage door opener, which is operated via transceivers (col. 1, lines 54-60). Although Porter discloses the security device as being an electronic lock for storage device, the garage door opener is also considered a security device because it controls access to the garage (a storage area). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the security device to be a garage door opener of Heitschel into Porter, because Porter teaches a access controlling means as being an electronic lock that can either be actuated manually or via wireless transmission (col. 4, lines 16-21), and Heitschel teaches the security device as being a garage door opener, for the garage door opener is a means to control access to the garage (col. 2, lines 31-33).

Regarding claim 14, Porter teaches that the designated are 10 can be accessible by inputting a uniquely assigned code, but fails to express the codes as being randomly generated (col. 5, lines 43-45).

However, Heitschel expressively discloses the system of claim 1, wherein, for access to the designated area (garage), the programmable unit (transmitter 22) randomly generates an encryption key to be included in both the first and second keys (transmitters 24 and 26 col. 2, lines 54-58). It is beneficial for the transmitters to generate random codes to impede unauthorized users from duplicating the codes; thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the random code generation of Heitschel into the transmitting device of Porter, because Porter teaches, as aforementioned, the controller 46 as storing



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programmed codes, and the transmitting device 48 to transmit radio frequency signal regarding occurrences based upon the codes entered into the system (col. 6, lines 16-28), and Heitschel provides transmitter 22 as a means to generate random codes to prevent unauthorized users to duplicate the codes to gain access to the designated (col. 1, lines 57-63).

Regarding claims 21-22, Porter teaches a controller 46 that has a memory to store a plurality of programmed codes (col. 5, lines 38-39). However, Porter does not expressly disclose a means for a first key-generating (code generating) step for randomly generating an encryption key and combining the encryption key with a third and fourth key (code).

Heitschel expressly discloses a transmitter 22 generates random codes to transceivers 24 and 26, which are able store multiple codes (col. 3, lines 27-30). In addition, it is known to one of ordinary skill in the art for a transmitter to transmit an encrypted code (encoder 78 col. 4., lines 47-50) in that a receiving means will decrypt the code (decoder/decrypter 88 col. 4, lines 61-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a randomly generated code wherein the encryption is combined with multiple codes as Heitschel suggests into that of Porter, because Porter teaches the Porter teaches a controller 46 that has a memory to store a plurality of programmed codes (col. 5, lines 38-39), and Heitschel teaches a transmitter 22 that can generate random codes that are decrypted by the transceivers, for it is known to be beneficial for the random codes to prevent code duplication for unauthorized personell.

Regarding claims 22-25, Porter teaches that the codes of the agent (vendors) to gain access of the designated area 10 may include, but is not limited to an agent code, such as "444", and numerous codes are uniquely assigned to each agent (col. 5, lines 44-46). Therefore, "numerous codes" can include the agent code, the address of the designated area, the access date, and the

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encryption code. Also, as aforementioned, Porter teaches that the user enters in his/her code, which is compared within the controller 46 to verify the proper code in that the agent may gain access to the designated area 10 (col. 2, lines 37-41).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Hamilton whose telephone number is 703.305.8975. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Hamilton  
Examiner  
Art Unit 2635  
1 April 2004

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